

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

FILED BY Whe D.C.

2005 AUG 31 PM 5:29

THOMAS L. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
MEMPHIS

**MAX MAY, et al.,**

**JUDGMENT IN A CIVIL CASE**

**Plaintiffs,**

**v.**

**LAWRENCE SCOTT, an  
individual resident of Cordova,  
Shelby County, Tennessee,**

**CASE NO: 03-2112 M1/P**

**Defendant.**

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 9-2-05

**JUDGMENT**

**JUDGMENT BY COURT.** This action having come before the Court for a non-jury trial, the issues having been tried, and a decision rendered,

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that in accordance with its Opinion and Order Following Non-Jury Trial, entered August 31, 2005, judgment is hereby entered as follows:

\$172,203.66 in favor of Plaintiffs and against Defendant Lawrence Scott regarding Plaintiffs' claim for wrongful conversion.

\$455,720.78 in favor of Plaintiffs and against Defendant Lawrence Scott, to be paid directly to the MEC ESOP, regarding Plaintiffs' claim for restitution as a result of Defendant Lawrence Scott's liability under 29 U.S.C. §§ 1024(b)(3), 1104, and 1109.

In favor of Plaintiffs and against Defendant Lawrence Scott regarding Plaintiffs' claim for forfeiture of Defendant Lawrence Scott's interest in the MEC ESOP due to Defendant Lawrence Scott's liability under 29 U.S.C. §§ 1024(b)(3), 1104, and 1109.

In favor of Plaintiffs and against Defendant Lawrence Scott regarding Plaintiffs' claim for injunctive relief due to Defendant Lawrence Scott's liability under 29 U.S.C. §§ 1024(b)(3), 1104, and 1109. Specifically, the Court orders Defendant Lawrence Scott to:

1. Promptly deliver to Plaintiffs Max May and Billy

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Thompson, as directors of MEC, all books and records in Mr. Scott's possession and/or control (together with all copies or reproductions thereof) in which MEC has any interest whatsoever, regardless of the form, media, or location thereof;

2. Promptly deliver to Plaintiffs Max May and Billy Thompson, as directors of MEC, all other properties (regardless of the location thereof) in which MEC has an interest, directly or indirectly, that are in Mr. Scott's possession and/or control, including, without limitation, all benefits under frequent flyer or other awards programs and the company van;

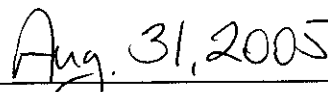
3. Promptly deliver to Plaintiffs Max May and Billy Thompson, as MEC ESOP administrative committee members, all books and records in Mr. Scott's possession and/or control (together with all copies or reproductions thereof) in which the MEC ESOP has any interest whatsoever regardless of the form, media, or location thereof; and

4. Promptly deliver to Plaintiffs Max May and Billy Thompson, as MEC ESOP administrative committee members, all other properties (regardless of the location thereof) in which the MEC ESOP has an interest, directly or indirectly, that are in Mr. Scott's possession and/or control;

And attorney's fees under 29 U.S.C. § 1132(g)(1) in favor of Plaintiffs and against Defendant Lawrence Scott in an amount to be determined and as to which a separate judgment will be entered.

APPROVED:

  
\_\_\_\_\_  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
DATE

**THOMAS M. GOULD**  
\_\_\_\_\_  
Clerk of Court

  
\_\_\_\_\_  
(By) Deputy Clerk



## Notice of Distribution

This notice confirms a copy of the document docketed as number 343 in case 2:03-CV-02112 was distributed by fax, mail, or direct printing on September 2, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT